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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/641,495 | 08/18/2000 | Paul Briscoe | RAL9-2000-0063 US1 | 7001 |

7590 10/22/2003

IBM CORPORATION
INTELLECTUAL PROPERTY LAW
DEPT. IQ0A/BLDG. 040-3
1701 NORTH STREET
ENDICOTT, NY 13760

EXAMINER

JACOBS, LASHONDA T

| ART UNIT | PAPER NUMBER |
|----------|--------------|
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2157

DATE MAILED: 10/22/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/641,495

Applicant(s)

BRISCOE ET AL.

Examiner

LaShonda T. Jacobs

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 August 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-42 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-42 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 August 2000 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4 6) ☐ Other: _____

DETAILED ACTION

Drawings

1. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference sign(s) not mentioned in the description: note reference numerals 316 and 320 in Figure 3. A proposed drawing correction, corrected drawings, or amendment to the specification to add the reference sign(s) in the description, are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1- 12, 16-28 and 32-39 are rejected under 35 U.S.C. 102(b) as being anticipated by Davis et al (hereinafter, "Davis", 5,796,952).

As per claim 1, Davis discloses a system for obtaining enriched activity data in a client-server communications network wherein information requested by a network element is cached at one or more other network elements, comprising:

- a server network element including server software and a database for generating and storing a plurality of information files that are accessible to a requesting network element, the information files including text files and key words that are interpreted by the requesting network element to display the information requested, the information

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file further including an uncacheable single pixel Graphics Image Format (GIF) request (abstract, col. 6, lines 52-67, col. 7, lines 1-29, col. 10, lines 62-67, col. 11, lines 1-12, lines 34-67, col. 12, lines 1-12, lines 33-67, col. 13, line 1, col. 15, lines 6-58 and col. 16, lines 22-34);

- wherein upon interpreting the information file, the single pixel GIF request is transmitted from the requesting element over the communications network to the server network element which reads and stores enriched data contained therein (abstract, col. 6, lines 52-67, col. 7, lines 1-29, col. 10, lines 62-67, col. 11, lines 1-12, lines 34-67, col. 12, lines 1-12, lines 33-67, col. 13, line 1, col. 15, lines 6-58 and col. 16, lines 22-34).

As per claims 17 and 32, Davis discloses a method and computer readable medium for obtaining enriched activity data in a client-server communications network wherein information requested by a network element is cached at one or more other network elements, comprising the acts of:

- generating and storing a plurality of information files at a server network element that are accessible to a requesting network element, the information files including text files and key words and a single pixel Graphics Image Format (GIF) request (abstract, col. 6, lines 52-67, col. 7, lines 1-29, col. 10, lines 62-67, col. 11, lines 1-12, lines 34-67, col. 12, lines 1-12, lines 33-67, col. 13, line 1, col. 15, lines 6-58 and col. 16, lines 22-34);
- interpreting the information files including the text files, key words and single pixel GIF request by the requesting network element to display the information requested (abstract, col. 6, lines 52-67, col. 7, lines 1-29, col. 10, lines 62-67, col. 11, lines 1-12,

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lines 34-67, col. 12, lines 1-12, lines 33-67, col. 13, line 1, col. 15, lines 6-58 and col. 16, lines 22-34);

- transmitting the single pixel GIF request from the requesting element over the communications network to the server network element (abstract, col. 6, lines 52-67, col. 7, lines 1-29, col. 10, lines 62-67, col. 11, lines 1-12, lines 34-67, col. 12, lines 1-12, lines 33-67, col. 13, line 1, col. 15, lines 6-58 and col. 16, lines 22-34); and
- reading and storing the enriched activity data contained in the transmitted single pixel GIF request at the server network element (abstract, col. 6, lines 52-67, col. 7, lines 1-29, col. 10, lines 62-67, col. 11, lines 1-12, lines 34-67, col. 12, lines 1-12, lines 33-67, col. 13, line 1, col. 15, lines 6-58 and col. 16, lines 22-34).

As per claims **2** and **18**, Davis further discloses:

- one or more cache engines that are connected to at least one of the other network elements for temporarily storing requested information files that are served upon demand to the requesting network element (col. 8, lines 21-29).

As per claims **3**, **19** and **33**, Davis discloses:

- wherein the single pixel GIF request includes a Common Gateway Interface (CGI) query string appended to it that contains the enriched data (col. 6, lines 52-67, col. 7, lines 1-29, col. 10, lines 62-67, col. 11, lines 1-12, lines 34-67, col. 12, lines 1-12, lines 33-67, col. 13, line 1, col. 15, lines 6-58 and col. 16, lines 22-34).

As per claims **4**, **20** and **34**, Davis discloses:

- wherein the CGI query string includes an identification of the location of the requested information file (abstract, col. 6, lines 52-67, col. 7, lines 1-29, col. 10, lines 62-67, col.

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11, lines 1-12, lines 34-67, col. 12, lines 1-12, lines 33-67, col. 13, line 1, col. 15, lines 6-58 and col. 16, lines 22-34).

As per claims **5**, **21** and **35**, Davis discloses:

- wherein the CGI query string includes a number of image objects contained in the information file (abstract, col. 6, lines 52-67, col. 7, lines 1-29, col. 10, lines 62-67, col. 11, lines 1-12, lines 34-67, col. 12, lines 1-12, lines 33-67, col. 13, line 1, col. 15, lines 6-58 and col. 16, lines 22-34).

As per claims **6**, **22** and **36**, Davis discloses:

- wherein the CGI query string includes an identification of a network element that referred the requesting network element to the server network element (abstract, col. 6, lines 52-67, col. 7, lines 1-29, col. 10, lines 62-67, col. 11, lines 1-12, lines 34-67, col. 12, lines 1-12, lines 33-67, col. 13, line 1, col. 15, lines 6-58 and col. 16, lines 22-34).

As per claims **7**, **23** and **37**, Davis discloses:

- wherein the CGI query string includes a persistent cookie identification of the requesting network element (col. 4, lines 24-32, col. 6, lines 52-67, col. 7, lines 1-29, col. 10, lines 62-67, col. 11, lines 1-12, lines 34-67, col. 12, lines 1-12, lines 33-67, col. 13, line 1, col. 15, lines 6-58 and col. 16, lines 22-34).

As per claims **8** and **24**, Davis discloses:

- wherein the client-server communications network is a global network such as the Internet (col. 6, lines 52-67).

As per claims **9**, **25** and **38**, Davis discloses:

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- wherein the plurality of information files are hypertext documents written with HyperText Markup Language (HTML) tags (col. 3, lines 33-53, col. 5, lines 14-34, col. 7, lines 1-29, and col. 11, lines 34-59).

As per claims **10** and **26**, Davis discloses:

- wherein the hypertext documents contain source HTML code interpreted by the requesting element to generate the display of corresponding web pages stored at the server network element (col. 3, lines 33-53, col. 5, lines 14-34, col. 7, lines 1-29, and col. 11, lines 34-59).

As per claim **11**, Davis discloses:

- wherein the server network element is a HyperText Transfer Protocol (HTTP) server (col. 7, lines 1-29).

As per claims **12** and **28**, Davis discloses:

- wherein the requesting network element is a client browser application (col. 8, lines 53-60).

As per claim **16**, Davis discloses:

- wherein the other network elements include any one or more of switch devices, router devices, gateways, and client computer devices (col. 18, lines 45-62).

As per claims **27** and **39**, Davis discloses:

- wherein hypertext documents are stored at a HyperText Transfer Protocol (HTTP) server (col. 7, lines 1-29).

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Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims **13-15, 29-31** and **40-42** rejected under 35 U.S.C. 103(a) as being unpatentable over Davis in view of Newman et al (hereinafter, "Newman" 6,085,229).

As per claims **13, 29** and **40**, Davis discloses:

- wherein the single pixel GIF request with an appended Common Gateway Interface (CGI) query string is included as part of a JavaScript command that is put directly into the HTML file (col. 6, lines 52-67, col. 7, lines 1-29, col. 10, lines 62-67, col. 11, lines 1-12, lines 34-67, col. 12, lines 1-12, lines 33-67, col. 13, line 1, col. 15, lines 6-58 and col. 16, lines 22-34).

As per claims **14, 30** and **41**, Davis discloses the invention substantially as claimed.

However, Davis does not explicitly disclose:

- wherein the JavaScript command is a "document.write" command which places an expression that follows the command into a document window.

Newman discloses a network that includes one or more client computers, which can retrieve web pages and advertisements from one or more server computers comprising:

- wherein the JavaScript command is a "document.write" command which places an expression that follows the command into a document window (col. 8, lines 33-67, cols. 9-10 and col. 11, lines 1-60).

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Given the teaching of Newman, it would have been obvious to one of ordinary skill in the art to modify Davis by including the document.write command in the Java program in order to write the returned result text string into the web page in HTML form allowing the user to view images on a web page.

As per claims 15, 31 and 42, Davis discloses:

- wherein the expression contains a HyperText Markup Language (HTML) image (IMG) tag with a source (SRC) attribute that specifies the Uniform Resource Locator (URL) location for the hypertext document (col. 6, lines 52-67, col. 7, lines 1-29, col. 10, lines 62-67, col. 11, lines 1-12, lines 34-67, col. 12, lines 1-12, lines 33-67, col. 13, line 1, col. 15, lines 6-58 and col. 16, lines 22-34).

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Pat. No. 5,991,735 to Gerace

U.S. Pat. No. 5,848,396 to Gerace

U.S. Pat. No. 6,393,479 to Glommen et al

US 2002/0147772 to Glommen et al

U.S. Pat. No. 6,606,581 to Nickerson et al

Any inquiry concerning this communication or earlier communications from the examiner should be directed to LaShonda T. Jacobs whose telephone number is 703-305-7494.

The examiner can normally be reached on 8:30 AM - 5:00 PM.


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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on 703-308-7562. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

LaShonda T. Jacobs
Examiner
Art Unit 2157

ltj
October 7, 2003


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